



San Diego City Attorney **MICHAEL J. AGUIRRE**

NEWS RELEASE

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**STATEMENT FROM CITY ATTORNEY MICHAEL J. AGUIRRE
FINANCIAL DISCLOSURE PRACTICES INVESTIGATION, AND
DECISION NOT TO JOIN SAN DIEGO'S RETIREMENT SYSTEM
*Action Taken to Ensure Public Confidence***

The City Attorney's Office is undertaking a separate and independent investigation into issues raised in the *Report on Investigation of the City of San Diego's Disclosures of Obligations to Fund the San Diego City Employee's Retirement System and Related Disclosure Practices 1996-2004*, dated 16 September 2004. After the investigation is completed, a decision will be made whether to refer any matters to the City Attorney's new Public Integrity Unit in the Criminal Division.

The City Attorney has also announced that he will not become a member of the San Diego Retirement System until the conclusion of the San Diego City Attorney's investigation of the outstanding legal issues addressed, arising out of, or related to the *Report on Investigation of the San Diego Disclosures of Obligations to Fund the San Diego City Employee's Retirement System and Related Disclosure Practices 1996-2004*, dated 16 September 2004. He is taking this action to ensure public confidence in the resolution of any investigations undertaken by the San Diego City Attorney's office.

Please note the City Attorney is permitted to not become a member of the retirement system under Municipal Code § 24.1702 which provides:

§24.1702 Membership by Elected Officers Permissive

Every Elected Officer in office at the time this section becomes effective, or elected after the effective date of this section, may become a Member of this System if he files with the Board a written election to become a Member.

(Retitled from "Membership by Legislative Officers Permissive" and amended 10-8-2001 by O-18994 N.S.)

Thus, City Attorney Aguirre will not be filing a written election to become a member of the San Diego City retirement system at this time.

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